



Federal Communications Commission  
Washington, D.C. 20554

NOV 20 1998

Docket # 96-198

IN REPLY REFER TO:  
9807840

The Honorable Diana DeGette  
U.S. House of Representatives  
1404 Longworth House Office Building  
Washington, D.C. 20515-0601

FX PARTE OR LATE FILED  
**RECEIVED**

NOV 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Congresswoman DeGette:

This is in response to your letter regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Specifically, you express concerns regarding the difficulties facing visually impaired consumers in interpreting billing statements and receiving directory assistance privileges from telecommunications providers. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.


No. of Copies rec'd  
List ABOVE

0+1

Regarding the specific matter you raised in your letter, in paragraphs 75 and 76 of the NPRM the Commission proposes that evaluation of accessibility compliance include "not only use of the equipment itself, but also support services (such as consumer information and documentation) akin to what is provided to consumers generally to help them use equipment." The NPRM suggests that one question to be considered in evaluating accessibility compliance should be "... does the provider offer essential support services (*e.g.*, service ordering, billing, repair service) that meet the needs of customers with disabilities." I have enclosed a copy of the full text of the NPRM for your convenience.

It is important to note, however, that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. Your comments have been included in the record of WT Docket 96-198, and will be carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Prythion", written over a horizontal line.

Daniel B. Prythion

Chief, Wireless Telecommunications Bureau

Enclosures

DIANA DeGETTE  
1ST DISTRICT, COLORADO  
1404 LONGWORTH  
WASHINGTON, DC 20515  
202-225-4431  
FAX 202-225-6857  
DISTRICT OFFICE:  
1400 GLENARM PLACE, SUITE 202  
DENVER, CO 80202  
303-844-4988  
FAX 303-844-4996  
E-mail: degette@mail.house.gov

COMMERCE COMMITTEE  
SUBCOMMITTEE ON HEALTH  
AND ENVIRONMENT  
SUBCOMMITTEE ON FINANCE AND  
HAZARDOUS MATERIALS

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0601

October 14, 1998

*WTB  
handicap  
p v*

*7840*

Oct 16 1 16 PM '98

Ms. Elizabeth Lyle  
Special Counsel  
Federal Communications Commission  
Wireless Telecommunications Bureau  
2025 M Street, NW  
Washington, DC 20554

Dear Ms. Lyle:

I am writing to bring your attention to the challenges faced by visually impaired consumers in interpreting billing statements from telecommunications providers. Under Section 255 of the Telecommunications Act (TCA), I understand the Federal Communications Commission (FCC) is charged with creating a fair process for adjudicating the claims of disabled consumers. As you prepare to issue a rule, please give special consideration to the right of blind consumers to receive information in a readable format.

Although there are strong protections in Section 255 of the TCA, and also in Title III of the Americans with Disabilities Act (ADA), the law does not expressly protect a blind consumer's right to receive billing statements in accessible formats such as braille, enlarged text, computer disk, or by directory assistance. I think precedent already exists in the law to require telecommunications companies to make all forms of consumer information accessible to all consumers. Currently, manufacturers are required by the Access Board's recent ruling to produce "accessible" equipment when it is "readily achievable." This ruling correctly places the interests of the consumer first, and institutes fair and unburdensome requirements on the industry. In the same way that the Access Board created reasonable requirements for manufacturers, the FCC should realize its important role in ensuring universal accessibility and spurring responsible, consumer-oriented business practices.

I have become aware of the need for greater accessibility requirements through a constituent in my district whose case I referred to the FCC in May, 1998. My constituent, who is legally blind, claims that both his local and long distance carriers refuse to provide large-type billing or directory assistance privileges. It is my hope that a well-crafted rule by the FCC will eventually solve the problem my constituent is facing.

Thank you for considering my views. If I can be of further assistance, please feel free to contact me, or Peter Irvine of my staff. I look forward to our continued communication.

Sincerely,

*Diana DeGette*

Diana DeGette  
Member of Congress